

REMARKS

Claims 1-10 and 12-21 are pending in the present application. By this Amendment, claim 1 has been amended. It is submitted that this Amendment is fully responsive to the Office Action dated December 21, 2010.

Claim Rejections - 35 U.S.C. §103

Claims 1-5, 7-10 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee (USP 6,550,578) in view of Langerak (US 2004/0129386).

This rejection is respectfully traversed with the arguments below.

As to Langerak reference

With regard to the previous amended feature of independent claim 1, “*wherein the base is pivotably connected to the second case by the pivoting support portion such that the base and the second case are pivotably movable relative to each other about a pivot axis,*” the Examiner acknowledges the drawbacks and deficiencies of the primary reference of Lee, that is, Lee does not disclose this amended feature.

In an attempt to cure the above-noted drawbacks and deficiencies of Lee, the Examiner relies on the teachings of newly cited Langerak and alleges that Langerak teaches a base that is hinged to the case body, and moves in a pivoting fashion relative to the case body (please see page 4, item 11 of the Action).

More specifically, the Examiner relies on a lower longitudinal edge 41 in Fig. 5 of Langerak and alleges that the lower longitudinal edge 41 pivots about a pivot 25 relying on Figs. 5, 7 and the description of paragraphs 0030-0031 of Langerak.

However, the Examiner appears to misunderstand the structure of a dispensing apparatus 4 of Langerak. While the Examiner relies on the pivotal movement about the pivot 25, the pivot 25 is provided for allowing pivotal movement of a **handle 5 (not the lower longitudinal edge 41)**. This is clearly described in the Examiner's alleged description of paragraph 0030 of Langerak (especially lines 12-40). In other words, as shown in Fig. 5, the movement of the handle 5 causes upward movement of a toothed ring 27 which rotates a driven wheel 18 to force a tape 7 in a dispensing opening 6.

These driving mechanisms including the handle 5, the toothed ring 27 and the driven wheel 18 are separate and independent from a housing 2 as shown in Fig. 5. The Examiner's alleged lower longitudinal edge 41 is a part of the housing 2 (please see paragraph 0033, lines 1-5). Therefore, the Examiner's alleged lower longitudinal edge 41 does not have any relation to the pivot 25 as well as the pivotal movement about the pivot 25.

Because of the above-discussed misunderstandings of Langerak reference, the Examiner fails to establish a *prima facie* case of obviousness. Therefore, withdrawal of this rejection is respectfully requested.

As to the feature of "base" in claim 1

Moreover, claim 1, as amended, now recites the features regarding the "**base**," that is, "*wherein the base is pivotably connected to the second case by the pivoting support portion such*

that the second case and the entire base are pivotably movable relative to each other about a pivot axis” and “wherein an opening is formed in the base, the opening being opened in the pivoting direction to the case body by the pivoting support portion; the transfer head is located in the opening in the use position; and, of the transfer head, a transfer surface which presses the transfer material to the transferred object, is protruded from the opening toward the transferred object side.” This Amendment is supported by, for example, Figs. 4, 5 and 8 and the specification (page 20, lines 12-20; and page 22, line 22 to page 23, line 14).

None of the Examiner’s cited references teaches nor suggests a “base” that meets both of these claimed elements. Accordingly, independent claim 1 and its dependent claims patentably distinguish over the Examiner’s cited references. In view of the above, independent claim 1 and its dependent claims are non-obvious over the Examiner’s cited references.

Claims 12-14 and 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Langerak and further in view of Manusch (USP 4,851,076).

This rejection is respectfully traversed. Claims 12-14 and 17-18 are dependent from claim 1 and recite the additional features set forth therein. Accordingly, claims 12-14 and 17-18 are also non-obvious over the Examiner’s cited referenced at least by virtue of their dependency.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Lanegerak further in view of Suzuki (JP 2002-178694).

This rejection is respectfully traversed. Claim 6 is dependent from claim 1 and recites the additional features set forth therein. Accordingly, claim 6 is also non-obvious over the Examiner’s cited referenced at least by virtue of its dependency.

Claims 15-16 and 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee and Langerak in view of Manusch, and further in view of Suzuki.

This rejection is respectfully traversed. Claims 15-16 and 19-20 are dependent from claim 1 and recite the additional features set forth therein. Accordingly, claims 15-16 and 19-20 are also non-obvious over the Examiner's cited referenced at least by virtue of their dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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